



APPROVED

KITTERY PORT AUTHORITY

July 1, 2014 Meeting Minutes
Council Chambers, Town Hall

Members Present: Bob Melanson, Barry Bush, Vice Chairman, Kelly Philbrook, Tom Smith, Steve Lawrence, Ray Grenier, Dan Arbo

Members Absent: None

Staff: Harbormaster Mike Blake

The meeting of July 1, 2014 was called to order at 6:00 p.m.

1. Pledge of Allegiance
2. Minutes: June 5, 2014
The minutes of June 5, 2014 were approved unanimously as presented by all members present
3. Public Segment
4. Harbor Master Report & Expense/Income YTD
 - Harbormaster Report:
 - Financial Report:
Budget: \$108,091; Expenses: \$110,540.
Projected revenue: \$118,051; Actual revenue: \$120,300.
Revenue over expenses: \$9,760.
New fiscal year budget effective July 1, 2014

Mr. Melanson thanked Assistant Harbormasters Paul Bourque and Alan Breton, and Harbormaster Blake for their patrolling efforts over the past year in helping to keep Kittery waters safe for boaters.

Regarding the squid mess on the new gangway, Board input is requested in an effort to control property violations.

Dick Draper: Parking should be allowed to start at 7:00 a.m. and close at 7:00 p.m. Squid fishing does cause a problem to property.

Dave Chapman: Squid damage was done to his boat, and is willing to file a police report on the damage, as the boat may not be able to be cleaned.

Peter Walsh: With utility improvements, internet connection is available, and cameras will be streaming, though the DVD recorder doesn't always work. The cameras can capture license plate numbers and individual actions. But, the cameras need to be operational.

Ms. Philbrook: Restrict fishing to residents only or impose a parking limit and enforce activities there.

Mr. Melanson: Appeal to police to increase patrols and surveillance in the area. Signage to address the problem, i.e. fishing from piers only. Asked that Harbormasters set aside time to monitor the problem.

Mr. Lawrence: Signage won't do it. An individual needs to be on site to monitor.

Dick Draper: Doesn't believe any residents are squid fishermen. Couldn't squid fishing be prohibited from the docks?

Harbormaster Blake: Whatever is decided, the KPA must set the policy in order to enforce it. Start with prohibiting squid fishing.

Mr. Smith moved the KPA provide multiple signs prohibiting squid fishing from the Pepperrell Cove facilities.

Mr. Bush seconded

Motion carried unanimously

Mr. Melanson: Parking is not just for residents using the facility. Security cameras need to be activated.

5. Marinas Piers & Floats

- Brendan Daly of 190 Whipple Rd Map 17 lot 17 proposes to replace a 3'7" pier and install a 3' X 20' gangway with a 10' X 20' float. The applicant's agent is Zachary Taylor of Riverside Pickering Marine.

Zach Taylor: Owner has existing dock on property that needs to be replaced; adding a new gangway and float will provide better water access. Application has been submitted to DEP, Submerged Lands, ACOE and Indian Tribes for review. Part of the project is located within 25 feet of abutting property (Marjorie Perkins) who has agreed to waive this impact. The formal agreement will be available prior to the Public Hearing.

Harbormaster Blake: Met with Ms. Perkins and viewed the property and was aware of the situation. She has enough property to build her own structure, away from this construction.

Barry Bush: The set-back waiver must be recorded with the York County Registry of Deeds with both property owners.

Mr. Taylor: This will be handled by Riverside Pickering and KPA approval would be contingent upon the waiver being recorded, prior to applying for a building permit.

Ms. Philbrook moved to accept the application of Brendan Daly, schedule a public hearing in August and site walk.

Mr. Lawrence seconded

Motion carried unanimously

A site walk was scheduled for July 10 at 5:00 p.m.

- Sketch Plan Review, Ken McDavitt proposes to construct a 30' pier with a 40' ramp to a 180' long float system with 12, 30-foot slips in the back channel off his property at 15 Old Armory way. Ken McDavitt: Presented an updated plan showing additional parking spaces, and summarized the plan to demolish the existing buildings and construct two buildings with three new condominium units. A 12-boat slip marina is proposed, consisting of six docks for 12 slips; permitting and design by Riverside Pickering Marine. The marina will have no moorings or launch facilities; will include a bath facility / office building; each year-round slip would have metered water and electric; float structures will extend less than 110 feet from the HAT mark; slip floats are located more than 25 feet from abutting riparian lines; the Pepperrell Cove barge would need to be moved if the project is approved; existing moorings would need to be moved. The Planning Board asked that review by the KPA be concurrent with their review.

Ms. Philbrook: Will people live aboard? How many parking spaces?

Mr. McDavitt: These will not be marketed for live aboard. There are 9 parking spaces provided; only one car would be allowed per slip; structure will be held by moorings;

Discussion followed regarding additional moorings in the area.

Mr. Melanson: This project does not appear to be in violation of KPA Rules and Regulations; a complete inventory of marine abutters will be needed as part of the application process,

Mr. Lawrence: The ACOE has approved a float for his mooring, to be brought to the KPA in the future. He will get the other mooring float installed and bring his ACOE float permit to the KPA. Discussion followed regarding abutter notification.

Mr. Bush: What restrictions, if any, may have been granted to the existing pier and float?

Mr. McDavitt: The three condo units will each have their own slip and the remaining nine slips will be leased. Neighbors to the project are interested in leasing slips.

Mr. Smith: So the number of slips could be reduced without affecting the upland development.

6. Pepperrell Pier Project Status

The project is nearing completion. A punch-list meeting is scheduled with MDOT and Prock Marine on July 2 at 9:00 a.m.

MDOT has stated sistering the existing ramp to the new structure is not feasible. A drawing to add a 26.5-foot gangway on the westerly side onto the 16'x30' float. The cost to implement would be \$15,000.

David Kaselauskas: Concerned about fishing and lobstering industry in Kittery with inclusion of condos and marinas. Why not approach the squid fishermen about the problem instead of using signage? You can deny people the right to fish. The pier was given to the fishermen and the people of Kittery. If there is another way to use the brow as it is now, this will work. Try not to put the little fishermen out. Perhaps a temporary shute could be installed and removed at the end of season.

Mr. Smith: Why is Pepperrell Cove the only place from Rye to Wells to slide traps down a shute, rather than using a hoist? Money has been spent for a facility and a hoist.

David Kaselauskas: This is a long practice without damage or injury. Working off the dock rather than hoisting directly on the boat is efficient.

Dick Draper: Others use their personal docks to load traps. Views the new facility as a loss to the working waterfront. Putting a ramp off the side won't work.

Ms. Philbrook: The wall area can be used at high tide, but only one boat at a time. This project shows the state of Maine has done nothing for the Kittery fishermen.

Mr. Melanson: The floats will be used by guests for about eight weeks and then they will be open. Asks the Board to vote against the Baker design of 6/26/14.

Mr. Smith: Not comfortable voting on this. This was a sketch done as a favor and doesn't believe a vote is required. This is not a formal design, and it does not appear to be viable, as drawn.

KPA members agreed a vote is not needed.

Harbormaster Blake: He could follow up with the MDOT regarding a temporary ramp as proposed by David Kaselauskas. As a temporary structure, this could solve the issue.

Mr. Melanson: He has been instructed not to approach the MDOT by the Town Manager.

Proposes the ramp be put out in April and removed by Memorial Day next year.

Peter Walsh: [inaudible]

Dick Draper: He and others helped construct the float. The winch is too slow. Has heard fishermen will not have access to the new facility. The pier as it is now is useless.

Discussion followed regarding use of the floats by fishermen and recreational users.

Mr. Smith: 'Transient vessels may use the facility for 10 days or less' and if left overnight must pay the fee.

Mr. Melanson: The facility is open to all users, as space is available.

Mr. Smith: This project has been underway for over three years. Bion Pike stated his main concern was to separate recreational and commercial use. The design that was presented in 2012 did not have a ramp and float. In July 2013, approval was received to move the project to the town pier, and those plans did not show a ramp and float. Why, at the eleventh hour, are the fishermen saying the ramp and float have been taken away?

Dick Draper: There were other plans involved to separate but accommodate the fishermen's needs. When I became aware of the issues, I came before the KPA with my concerns. We will have as much, if not more congestion with everyone in one location.

Mr. Smith: This board is trying to work with the fishermen and will need your patience and help to resolve the problem.

Ms. Philbrook: When Frisbee Pier was condemned, the decision was made to rebuild Frisbee Pier. When the new facility was discussed, promises were made to keep the ramp and provide for the fishermen's needs as well.

Mr. Melanson: When this was approved by Council in November 2013, Steve Lawrence noted the fishermen will figure out a way. There was no ramp in the plan at that time, and I don't recall every promising a ramp.

Mr. Lawrence: Dan Stuart stated the ramp would remain.

David Kaselauskas: Design the ramp to be hoisted up and secured from storms when not in use.

Mr. Melanson: This will be on the agenda every meeting until resolved.

7. Wave Attenuation Project

Peter Walsh: Reminded the Town Manager that the first phase was to be completed by July 1; the final report is due by December 15.

Mr. Melanson: The next scheduled activity is ell grass survey.

8. Shore & Harbor Plan- Comments on Draft provided

Ms. Philbrook: The KPA seems to have a large amount of responsibility in this plan. How does the KPA shoulder the financial responsibility?

Peter Walsh: The vision and recommendation of the KPA is the responsibility, not the funding for improvements outlined.

Discussion followed regarding different areas of KPA responsibility.

Mr. Smith: Hesitant to sign onto anything with a financial responsibility.

Mr. Bush: What is the definition of responsibility. This should be included in the document.

Mr. Melanson: Will draft a memo to the Planning Department regarding this concern for KPA review.

Mr. Lawrence: Requests removal of recommended water taxi service at Government Street from the plan.

9. Isles of Shoals continuation

Mr. Smith: Trying to pull together misinformation to address the issue. Still needs more information.

Continued to August KPA meeting.

10. New & Old Business:

Day shape for Badgers Island West shoal.

Mr. Lawrence: Can't see spending over \$9,000 to post a sign.

Mr. Melanson: Will check with Coast Guard on this issue.

Mr. Lawrence: Wake issues remain, but patrolling by Harbormasters are helping.

Mr. Smith: Why was it recommended there be no guest moorings? If a mooring is not being used, a guest is picked off the wait list resulting in double payment for one mooring. This should be further discussed.

Ms. Philbrook: A guest mooring was to be not more than two weeks. How will this work and be administered? It is a lot of responsibility for the Harbormaster and rules need to be in place.

Mr. Melanson: Suggested a workshop be scheduled in September to discuss.

For the rest of the summer, the Harbormaster may continue to administer as is now.

11. Adjourn

Mr. Lawrence moved to adjourn

Mr. Bush seconded

Motion carried unanimously

The July 1, 2014 Port Authority meeting ended at 8:00 p.m.

Submitted by Jan Fisk, July 31, 2014